

REMARKS

In the Office Action, the Examiner rejected claims 1-7 and 11-16. By this paper, Applicants have added new claims 23-25 and amended claims 4 and 14-16 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-7, 11-16, and 23-25 remain pending in the present application and are believed to be in condition for allowance. In view of the forgoing amendments and the following remarks, Applicants respectfully request consideration and allowance of all pending claims.

Rejection Under 35 U.S.C. § 103

Claims 1-7 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,608,426 to Hester (“herein referred to as “the Hester reference”) in view of U.S. Patent No. 6,757,585 to Ohtsuki et al. (herein referred to as “the Ohtsuki reference”). Applicants respectfully traverse this rejection.

Legal Precedent

First, the burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly,

to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Second, Applicants remind the Examiner that, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o) and 2111. Further, interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111. As further explained in Section 2111.01 of the M.P.E.P., the words of the claim must be given their plain meaning unless the applicant has provided a clear definition in the specification. *See In re Zletz*, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989). Again, the plain meaning refers to an interpretation by those of ordinary skill in the art. *See In re Sneed*, 710 F.2d 1544, 218 U.S.P.Q. 385 (Fed. Cir. 1983).

Third, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984); *see* M.P.E.P. §2143.01. Lastly, it is also improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983); M.P.E.P. § 2145.

The cited references do not disclose a remote management controller as recited in claims 1, 4, 11, and 14.

Applicants respectfully assert that the cited references do not disclose a remote management controller as recited in claims 1, 4, 11, and 14. For example, independent claim 1 recites “a remote management controller in a local computer having an EGA shadow look up table and a VGA shadow look up table.” Independent claim 4 recites “a remote management controller having an EGA shadow look up table and a VGA shadow look up table.” Independent claim 11 recites “a remote management controller in a local computer having an EGA shadow look up table.” Independent claim 14 recites “a remote management controller in a local computer having a VGA shadow look up table.”

In sharp contrast, the Hester reference merely discloses a conventional host computer 10 and a remote computer 10 connected via a communications link 16. *See* Hester, col. 3, lines 20-24. Contrary to the Examiner’s assertions, however, the remote computer disclosed in the Hester reference is clearly not a remote management controller as it is described in the specification or as it would be understood by those of ordinary skill in the art. As such, Applicants respectfully remind the Examiner that while the claims should be given their broadest reasonable interpretation, that interpretation must consistent with the specification and/or consistent with the meaning that those of ordinary skill in art would bestow to the claim terms. *See In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o)

As described in the present application, a remote management controller is a component within a host computer, such as a managed server that “provide[s] functionality for accessing, interacting, and monitoring *the managed server 2 from the remote console 5.*” Page 12, lines 13-15 (emphasis added). In other words, the remote management controller is a component located within the host computer that facilitates communication and monitoring of a host computer by a remote computer. In sharp contrast, the remote computer 10 in the Hester reference, which the Examiner erroneously equates with a remote management controller, merely recreates images displayed on the host computer 10 to facilitate collaborative work between the host computer 10 and the remote computer 10. *See* Hester, Abstract, lines 1-10.

Moreover, even if one were to imagine a system in which the remote computer 10 was reconfigured or modified, the reconfigured remote computer 10 could still not be a remote management controller. This is the case because if the remote computer 10 were reconfigured, the modified Hester reference would then not disclose a remote computer. Without a remote computer, the Hester reference would not be able to disclose a component that functions like a remote management controller, because a remote management controller, as described in the specification of the present application “provide[s] functionality for accessing, interacting, and monitoring the managed server 2 from the remote console 5.” Specification, page 12, lines 13-15 (emphasis added). As such, even if the remote computer 10 of the Hester reference were modified, the modification would still not produce a component that functions like a remote management controller, as described in the specification and as known to those of ordinary skill in the art, because there would be no remote computer for the modified component to interact with. For at least this reason, it is

clear that the Hester reference does not disclose “a remote management controller in a local computer having a EGA shadow look up table and a VGA shadow look up table,” as recited in claim 1 nor the other above-recited claim features.

The Ohtsuki reference cannot cure this deficiency in the Hester reference, as the Ohtsuki reference is not even directed towards implementing color graphics, but rather towards “a management system for vending machines.” Ohtsuki, abstract, lines 1-2. While the Ohtsuki reference does disclose some form of remote management controller, this controller does not contain either an EGA shadow look up table or a VGA shadow look up table, as recited in claims 1, 4, 11, and 14. As such, the Ohtsuki reference can clearly not disclose the above recited claim features. For at least these reasons, it is clear that the Hester reference and the Ohtsuki reference, taken alone or in combination, fail to teach or suggest the above-recited features of independent claim 1, 4, 11, and 14. As such, Applicants respectfully assert that claims 1, 4, 11, and 14 and the claims that depend therefrom are patentable over the cited references.

Combining the cited references would make Hester unfit for its intended purpose

Applicants also assert that modifying the Hester reference in view of the Ohtsuki reference, as the Examiner has suggested, would render the system of the Hester reference inoperable for its intended purpose. Accordingly, Applicants believe that there is no motivation for combining the Hester reference and the Ohtsuki reference, and, as such, assert that it was improper for the Examiner to combine the cited references. More specifically, in the Office Action, the Examiner conceded that “Hester does not teach a remote management controller in a local computer,” and relied upon the Ohtsuki reference to provide the

motivation to move the remote computer of the Hester reference within the host computer of the Hester reference. *See* Office Action, page 3, lines 9-15 (emphasis in original).

However, moving the remote computer 10 of the Hester reference such that it is within the host computer 10 would clearly make the Hester reference inoperable for its intended purpose. In particular, the Hester reference is directed towards a “method and apparatus for managing palettes in collaborative systems.” Hester, abstract, lines 1-2. This collaborative system involves replicating selected windows from the display of a host computer on the display of a remote computer. *See* Hester, col. 3, lines 30-41. If, as the Examiner has asserted, the remote computer 10 were to be placed within the host computer 10, the remote computer 10 would no longer be remote (i.e., it would literally be inside the host computer 10). As such, the system of the Hester reference would be incapable of replicating the display of the computer 10 on a remote computer 10 because the there would no longer be a remote computer. As the apparatus disposed in the Hester reference is designed and intended to replicate windows across a communication link 16 to a *remote* computer, modifying the Hester reference as suggested by the Examiner would thus make the Hester reference inoperable for its intended purpose. *See* Hester, col. 3, lines 10-21; *see also*, Figs. 1 and 2. For this additional reason, Applicants respectfully request that the Examiner withdraw the pending rejection against independent claims 1, 4, 11, and 14, as well as the claims that depend therefrom.

The cited references do not disclose an EGA look up table and a VGA look up table

In addition to those claim features described above, Applicants also respectfully assert that several additional features of independent claims 1 and 4 are not disclosed by either of the cited references. For example, claim 1 recites “a remote management controller in a local computer having *an EGA shadow look up table and a VGA shadow look up table.*”

(Emphasis added). Independent claim 4 recites “a remote management controller having an *EGA shadow look up table and a VGA shadow look up table.*” (Emphasis added). In sharp contrast, the Hester reference clearly discloses transmitting information relating to a single color palette between the host computer 10 and the remote computer 10. *See* Hester, col. 4, lines 9-17 and 45-58 (stating that “each computer can have only one system palette 26”).

While the Examiner is correct that the Hester reference does mention the words EGA, VGA, and S-VGA in column 3, lines 49-51, this recitation is merely a description of potential reasons why the displays on the remote computer 10 and the host computer 10 may be different. *See* Hester, col. 3, lines 41-51. There is absolutely no mention in the Hester reference of either an EGA shadow look up table or a VGA shadow look up table, much less employing both as recited in independent claims 1 and 4. Moreover, the Ohtsuki reference cannot cure the deficiency in the Hester reference, because, as described above the Ohtsuki reference is not directed to or concerned with graphical display. For this reason, it is clear that the Hester reference and the Ohtsuki reference, taken alone or in combination, fail to teach or suggest the above-recited features of independent claims 1 and 4. As such, Applicants assert that claims 1 and 4, and the claims that depend therefrom, are patentable over the Hester reference in view of the Ohtsuki reference.

New Claims

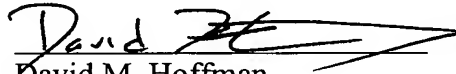
Applicants respectfully request that new claims 23-25 be considered. The claims are fully supported by the specification. Applicants respectfully submit that the prior art of record does not disclose the subject matter recited in claims 23-25. For example, neither of the cited references discloses a “remote management controller adapted... to communicate a compressed 6-bit color pixel block,” as recited in claim 24 or a “remote management controller...adapted to communicate a color pixel block to the remote computer,” as recited in claim 25. Accordingly, Applicants respectfully submit that new claims 23-25 are allowable over the cited references.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims 1-7 and 11-16, and 23-25. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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David M. Hoffman
Reg. No. 54,174
(281) 970-4545

Correspondence Address:

Hewlett-Packard Company
IP Administration
Legal Department, M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400